

GAIL SHIFMAN (State Bar No. 147334)  
SARAH POTTER (State Bar No. 280478)  
Law Offices of Gail Shifman  
44 Montgomery Street, Suite 3850  
San Francisco, California 94104  
Telephone: (415) 551-1500  
Facsimile: (415) 551-1502

Attorneys for Defendant  
KESIA PENZATO

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,	)	Case No.: CR 12-0089 EMC
	)	
Plaintiff,	)	<b>STIPULATION AND [PROPOSED]</b>
	)	<b>ORDER CONTINUING STATUS</b>
vs.	)	<b>HEARING DATE AND EXCLUDING</b>
	)	<b>TIME</b>
GIUSEPPE PENZATO and	)	
KESIA PENZATO,	)	
	)	
Defendants.	)	

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Plaintiff, by and through its attorney of record, Owen Martikan, and defendants, by and through their attorneys of record, Nanci Clarence and Josh Cohen on behalf of Defendant Giuseppe Penzato and Gail Shifman and Sarah Potter on behalf of Kesia Penzato, hereby stipulate and ask the Court to find as follows:

1. That the parties are currently scheduled for a status hearing on May 9, 2012 at 2:30 p.m. Defendants are reviewing discovery materials provided by the Government and anticipate requesting additional discovery before the next hearing date and time will be required for its

STIPULATION & [PROPOSED] ORDER  
CONTINUING STATUS HEARING & EXCLUDING TIME

1 review. Additionally, following the last court hearing, Defendants realized that an existing  
2 scheduling conflict exists with the currently set status date.

3 2. That the parties stipulate and agree to vacate the May 9, 2012 status date and continue  
4 it until May 23, 2012 at 2:30 p.m.

5 3. That the parties agree that the failure to grant such a continuance would unreasonably  
6 deny counsel the reasonable time necessary for effective preparation, taking into account the  
7 exercise of due diligence and that May 9, 2012 through May 23, 2012 should be excluded in  
8 accordance with the provisions of the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A), on the basis  
9 that the ends of justice are served by taking such action which outweigh the best interest of the  
10 public and the defendant in a speedy trial and also under subsection (B)(iv) for effective  
11 preparation of counsel, taking into account the exercise of due diligence.  
12

13 Dated: April 24, 2012

14 /s/ Owen Martikan

15  
16 Owen Martikan  
Assistant United States Attorney

17 Dated: April 24, 2012

18 /s/ Josh Cohen

19 Nanci Clarence  
20 Josh Cohen  
Attorneys for Defendant Giuseppe Penzato

21 Dated: April 24, 2012

22 /s/ Gail Shifman

23 Gail Shifman  
24 Sarah Potter  
Attorneys for Defendant Kesia Penzato

**[PROPOSED] ORDER**

This matter having come before the Court upon the Stipulation of the parties and GOOD CAUSE APPEARING,

IT IS ORDERED That the May 9, 2012 status hearing date shall be vacated and continued until May 23, 2012 at 2:30 p.m.;

IT IS FURTHER ORDERED that the time from May 9, 2012 through May 23, 2012 shall be excluded in accordance with the provisions of the Speedy Trial Act, 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv), to provide the defense time to review discovery and for effective preparation. The Court finds that (A) failure to grant the continuance would unreasonably deny defendants the reasonable time necessary for effective preparation, taking into account the exercise of due diligence; and (B) the ends of justice served by the continuance outweigh the best interests of the public and the defendants in a speedy trial. *See* 18 U.S.C. § 3161(h)(1)(7)(A) & (B)(iv).

Dated: April 27, 2012

